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**STATE OF COLORADO
DEPARTMENT OF LAW**

AGENDA

**Colorado Natural Resources Trustees Meeting
May 20, 2025, 10:00 am to 12:00 pm**

Location:

**Ralph L. Carr Judicial Center, 2 East 14th Avenue, Denver, Colorado
Room 1E**

Note: Please arrive a few minutes early to go through security.

**Note: A hyperlink to a Microsoft Teams meeting will be posted
on the Trustee website:**

[Colorado Natural Resources Trustees Upcoming Meetings](#)

Open Session

1. Approve Agenda - 1 minute
2. Approve Minutes from February 11, 2025 Meeting - 1 minute

Action Item:

(1) Review and approve minutes from February 11, 2025 meeting

Document:

(1) Draft minutes from February 11, 2025 meeting

3. Budgets Update - (Jennifer Talbert) - 1 minute

Action Items: None

Document:

(1) Budget Spreadsheet

4. Recent Investigations - (Mindi May) - 10 minutes

Action Items: None

Documents: None

5. Rocky Mountain Arsenal - Amended Resolutions - (David Banas, Jennifer Talbert, Pete Conovitz) - 5 minutes

Action Item: Sign amended resolutions

Documents:

- (1) Draft Resolution Approving Bluff Lake Project Proposal
- (2) Draft Resolution Approving Montbello Project Proposal

6. Shattuck Presentation from City and County of Denver - 15 minutes

Action Items: None

Documents: None

7. California Gulch - Department of Interior Video - (Jennifer Talbert, David Banas, Pete Conovitz) - 15 minutes

Action Items: None

Documents: None

8. Small Spills Ticketing System - (David Banas) - 5 minutes

Action Items: None

Documents: None

9. PFAS Updates - (Jason King) - 5 minutes

Action Items: None

Documents: None

10. Trustee Logo - (Jennifer Talbert) - 5 minutes

Action Items: None

Documents: None

Executive Session

11. Home Lake State Wildlife Area - (Shelley Hickerson, Mindi May) - 10 minutes

Action Items: None

Documents: None

12. Galeton - (Shelley Hickerson, Jennifer Talbert, Mindi May) - 15 minutes

Action Items: None

Documents: None

Open Session

13. Report from Executive Session - (David Kreutzer) - 1 minute

Action Items: None

Documents: None

ITEM #2

Colorado Natural Resource Damages Trustees
Meeting Minutes
February 11, 2025
(Approved _____)

Attendance

Trustees

Phil Weiser, Attorney General, and Trustee-Delegate Tanja Wheeler, Associate Chief Deputy Attorney General
Aaron Ray, Assistant Director for Energy Innovation, Colorado Department of Natural Resources (DNR)
Tracie White, Hazardous Materials and Waste Management Division Director, Colorado Department of Public Health and Environment (CDPHE)

Trustee Staff

Lukas Staks, Senior Assistant Attorney General, Office of the Attorney General, Natural Resources and Environment Section (NRE)
David Kreutzer, First Assistant Attorney General, NRE
David Banas, Senior Assistant Attorney General, NRE
Jason King, Senior Assistant Attorney General, NRE
Shelley Hickerson, Assistant Attorney General, NRE
Jonathon Lubrano, Assistant Attorney General, NRE
Jennifer Talbert, CDPHE
Mark Rudolph, CDPHE
Mindi May, DNR
Pete Conovitz, DNR

Other State Staff

Laura Kelly, Senior Paralegal, NRE
April Polinauskas, Administrative Assistant, NRE

Fellows And Interns

Riley Varner, NRE Attorney General Fellow
Phalen Kohlruess, NRE Attorney General Fellow
Caroline Ritter, NRE Intern
Peter Rayhill, NRE Intern

Public

Rachel Hutchens, Bluff Lake Nature Center
Tyler Krob, Bluff Lake Nature Center
Steve Hebert, Bluff Lake Nature Center
Ian Schillinger-Brokaw, City of Denver
David Bennetts, Mile High Flood District
Matt Reddy, Ducks Unlimited
Courtney Massey, Ducks Unlimited
Michael Schumann, City of Denver
Joe DeCrescentis, Colorado Parks and Wildlife (CPW)

Open Session

Trustee Weiser called the Trustee Meeting to order at approximately 10:00 a.m. on February 11, 2025 (held in the Wells Fargo Building and via Teams). He introduced Associate Chief Deputy Attorney General Tanja Wheeler who he delegated to represent him for second half of this meeting and for future meetings if he is unable to attend. Aaron Ray and Tracie White introduced themselves as representatives for their respective Executive Directors. The meeting's purpose was to brief the Trustees on the current status of issues relating to Natural Resource Damages (NRDs) projects, and to request direction and/or approval for various actions.

Agenda

Trustee Ray moved to approve the Agenda. Trustee White seconded the motion and the motion was unanimously approved.

Minutes

Trustee Weiser presented the minutes from the November 14, 2025, Trustee Meeting. Trustee Ray moved to approve the Minutes. Trustee White seconded the motion, and the motion was unanimously approved.

Budgets Update

Jennifer Talbert presented the Budgets Update. There were no questions.

Recent Investigations

Mindi May summarized three spill reports for the Trustees: 1) On January 9, 2025, the State Patrol reported 120-240 gallons of diesel spilled into Raton Creek near Trinidad after a tractor-trailer crashed on Raton Pass in snowy conditions. CPW Wildlife officer Bob Holder responded and did not see any dead fish; 2) On January 10, 2025, Evergreen Resources spilled 4.3 barrels of produced water into the Apishapa River near Aguilar. Mr. Holder responded and no impacts were found; and 3) On January 30, 2025, Farm Services Center had large drums and totes of waste storing gasoline, diesel, motor oil, and fertilizer that were cracked and leaking onto the ground. Dead birds were reported. CPW Wildlife Office Tyler Cerny did not find any dead birds at the site, but he confirmed that leaking drums and totes were present. He took photographs that were sent to CDPHE's Hazardous Materials and Waste Management Division (HMWMD). Ms. May indicated that HMWMD's investigation is underway.

Rocky Mountain Arsenal (RMA) - Project Proposals

Trustee Weiser introduced David Banas who explained that approximately \$8.7 million remained in the RMA Recovery Fund and RMA Foundation Fund combined. Mr. Banas reported that Trustee Staff (Staff) received four project proposals in response to a Solicitation for Project Proposals, which together cost more than the amount of remaining funds. Staff recommended the Trustees approve all four projects according to the updated Scenario 4 previously provided to the Trustees which reduces each funding request equitably among the four projects.

Bluff Lake Project Proposal - Rachel Hutchens, Executive Director for the Bluff Lake Nature Center near the Stapleton neighborhood, introduced herself and her colleagues. Ms. Hutchens gave a detailed presentation of Bluff Lake's Habitat Restoration and Stormwater Management Systems Improvement Project. The Project will install three rain gardens and an underground pump system, and perform extensive landscaping, earth work, and erosion control to help Bluff Lake manage stormwater at the site. Bluff Lake requested \$600,000 in NRDs funding and Staff recommended an award of \$564,791.97. Trustee Ray asked whether Bluff Lake would have difficulty completing the proposal with the Staff's proposed reduction in NRDs funding and how ongoing maintenance was funded. Ms. Hutchens explained that Bluff Lake has diversified funding sources including two endowment funds and private donations which covers ongoing maintenance and will cover the proposed reduction.

Montbello Project Proposal - Ian Schillinger-Brokaw of Denver Parks and Recreation introduced himself and gave a detailed presentation of their Montbello Landscape Transformation Project. The Project will help Denver restore approximately 17 acres of non-native turf grass in the Montbello neighborhood to provide a native landscape typology cover. Denver requested \$1,000,000 in NRDs funding and Staff recommended an award of \$940,000.

Weir Gulch Project Proposal - David Bennetts of the Mile High Flood District introduced himself and gave a detailed presentation of their Weir Gulch Restoration Project. The Project, which includes partnerships with the City of Denver and other organizations, will address flood risks associated with Weir Gulch near the Sun Valley neighborhood. The Mile High Flood District's request of \$3,829,434 will specifically fund channel grading and stabilization, and landscaping. Staff recommended an award of \$3,216,725.

Ducks Unlimited (DU) Project Proposal - Matt Reddy and Courtney Massey of Ducks Unlimited introduced themselves and gave a detailed presentation of their RMA Wildlife Restoration Program. The Project is part of a larger project to acquire and restore waterfowl habitat across North America. Mr. Reddy noted that DU has decades of research showing where those waterfowl originated (including Colorado and Canada which are principal breeding areas), and where the birds winter (Mexico). Ducks Unlimited requested \$6,500,000 in NRDs funding and Staff recommended an award of \$4,006,726. Mr. Reddy explained that Staff's proposed reduction in funding, in addition to the exclusion of projects in Canada and Mexico, will hinder their ability to meet the deliverables described in the Project. Trustee Weiser stated that it was important the Trustees do not fund international projects. Mr. Banas suggested that the Trustees 1) approve the dollar amount in the resolution as written, which excludes Canada and Mexico; and 2) authorize Staff to work with DU to negotiate specific deliverables.

Trustee Ray inquired about whether DU has international partners for matching funds in Canada and Mexico. Ms. Massey explained that DU has a presence in both Canada and Mexico and, for example, works with property owners in Canada on conservation easements. She further explained that in Mexico, the same kind of federal agencies or national partners are not available, so a lot of DU's restoration work is focused on maximizing community development.

Mr. Banas presented an additional resolution that grants Staff discretion to allocate the interest remaining in the RMA accounts among the four proposed Projects closer to the completion date of the Projects. The Trustees considered all four resolutions for the Projects described above, and the additional resolution regarding interest, together. Trustee White moved to approve all five resolutions. Trustee Ray seconded the motion and the motion was unanimously approved. Trustee Weiser expressed his appreciation to Staff for their hard work over a long period of time to allocate all of the RMA funding. At this time, Trustee Weiser left the meeting and Ms. Wheeler stepped in to chair the meeting.

Rocky Mountain Arsenal - Northside Park Project Presentation

Michael Schumann of Denver Parks and Recreation introduced himself as the Design and Construction Project Manager for the Carpio-Sanguinette Park (formerly known as Northside Park) & Heron Pond Open Space Park Improvements Project. He gave a detailed presentation highlighting how NRDs funding was used for channel and stormwater pond construction, and native vegetation installation and establishment. Mr. Schumann reported that the Trustees will be invited to a ribbon-cutting in early 2026, and he offered to coordinate a site visit if desired.

California Gulch - Mount Shavano Project Presentation

Joe DeCrescentis of CPW gave a detailed presentation of the Mount Shavano Low Head Dam Removal Project. He explained that the Project's purpose was to remove a low head dam which was historically used as a diversion structure for the Mount Shavano fish hatchery near Salida. More recently, the dam had become a severe boating hazard, as well as a problem for fish migration. Mr. DeCrescentis added that the Project's primary objectives were to remove the dam and boat chute, restore the Arkansas River to its natural state and function, install boulder clusters to improve fish and invertebrate habitat and improve boater safety, and revegetate disturbed areas.

Mr. Banas suggested that the Trustees table Agenda Items Nos. 8 and 9 in the interest of time.

Executive Session

Senior AAG Lukas Staks recommended the Trustees make a motion to go into Executive Session to consider Agenda Item #10 regarding the Home Lake State Wildlife Area, and Agenda Item #11 regarding the Annual Trustee Training and Bylaws Discussion. He stated the Executive Session is authorized pursuant to section 24-6-402(3)(a)(II), C.R.S. and other laws that allow the Trustees to enter Executive Session for specific purposes.

At approximately 11:30 a.m., Trustee White moved to begin an Executive Session. Trustee Ray seconded the motion, and the motion was unanimously approved. Trustee Wheeler asked all those present except for the Trustees, their legal counsel, and Staff to exit the meeting. At approximately 11:52 a.m., the Executive Session ended.

Open Session

Report from Executive Session

Trustee Wheeler stated that the discussion between the Trustees and their legal counsel in Executive Session was limited to privileged attorney-client communication regarding Agenda Item #10 concerning the Home Lake State Wildlife Area, Agenda Item #11 concerning training and legal matters, and legal advice about amending the Bylaws. The Executive Session was separately recorded.

Trustee Wheeler moved that the Trustees authorize Staff to pursue claims in the Home Lake matter as discussed during Executive Session. Trustee Ray seconded the motion, and the motion was unanimously approved.

Trustee Wheeler moved that the Trustees amend the Bylaws as presented in the meeting materials. Trustee White seconded the motion, and the motion was unanimously approved.

Adjournment

At approximately 12:00 p.m., Trustee Wheeler moved to adjourn the meeting. Trustee Ray seconded the motion, and the motion was unanimously approved.

ITEM #2

NRD Matter	Bonita Peak	California Gulch	Fountain Creek	Idarado	Lowry	N. St. Vrain	Gore / Mill Creek (Vail)
Total Settlement	\$6,600,000.00	\$10,000,000.00	\$345,000.00	\$1,000,000.00	\$1,606,930.00	\$245,305.00	\$248,660.00
Total NRD dollars spent	\$52.50	\$14,739,577.70	\$0.00	\$1,561,412.98	\$1,417,785.94	\$0.00	\$0.00
Account Balance 10/11/2024	\$7,059,194.21	\$4,355,137.60	\$391,905.94	\$218,746.75	\$568,054.09	\$266,090.70	\$262,868.34
Most recent TT Resolution Date	NONE	11/14/2023	4/23/2019	11/14/2024	8/14/2023	NONE	NONE
Current Trustee awarded amount	\$0.00	\$3,953,875.00	\$389,638.01	\$218,746.75	\$675,000.00	\$0.00	\$0.00
Contract Encumbrances	\$66,993.00	\$3,966,629.30	\$382,487.93	\$0.00	\$508,801.29	\$0.00	\$0.00
Remaining funds	\$6,992,201.21	\$388,508.30	\$9,418.01	\$218,746.75	\$59,252.80	\$266,090.70	\$262,868.34
Type of Restriction	Restoration Plan required	Follow State and USFWS Restoration Plans	None	None	Groundwater nexus to the South Platte	None	None
Remaining funds available	\$239K from Blue Tee will be added from the HSRF in Phase 2.	Interest and remaining funds available	Interest to CPW, no remaining funds available	Interest to TLR, no remaing funds available.	Interest to USFWS, no remaing funds available.	Settlement from December 2022, all funds available	All funds awarded
Update	Restoration Proposals due May 31st. Restoration Plan under contract	All SPP projects are under contract and underway.	Chilcott Diversion project ongoing.	Working on new contract for TLR (Silver Mountain Mine)	Restoration by USFWS underway.	Working with proponent to develop SOW for contract	CDPHE contract process underway

NRD Matter	RMA Recovery Fund	RMA Foundation Fund	Shattuck	Standard Metals	Summitville	Suncor	Uravan
Total Settlement amount	\$17,400,000.00	\$10,000,000.00	\$1,250,000.00	\$415,368.00	\$5,000,000.00	\$1,230,000.00	\$1,000,000.00
Total NRD dollars spent	\$13,119,317.40	\$9,185,555.00	\$1,291,731.05	\$0.00	\$5,150,936.93	\$1,255,998.40	\$1,194,976.51
Account Balance 10/11/2024	\$7,981,622.04	\$1,041,400.93	\$6,065.30	\$508,725.86	\$258,139.41	\$30,217.48	\$190,975.32
Most recent TT Resolution Date	2/11/2025	2/11/2025	3/17/2022	12/9/2022	1/21/2021	6/9/2022	3/24/2021
Current award	\$7,981,622.04	\$1,041,400.93	\$30,000.00	\$0.00	\$1,171,620.00	\$1,267,454.00	\$270,000.00
Contract Encumbrances	\$221,639.15	\$0.00	\$11,172.95	\$0.00	\$219,355.99	\$0.00	\$166,759.78
Remaining funds	\$7,759,982.89	\$1,041,400.93	-\$5,107.65	\$508,725.86	\$38,783.42	\$30,217.48	\$24,215.54
Type of Restriction	None	None	None	None	Money (plus interest) must be spent in Alamosa River	None	None
Remaining funds available	All funds awarded	All funds awarded	Only available funds will be paid out	\$230K awarded; remaining funds for Silverton	Interest to TU, no remaining funds available	Interest available - was intended for DU but not spent	Interest to WEEDC, no remaining available funds
Update	Contracting underway with DNR and CDPHE		project completed	Gossan Creek Project delayed - waiting on FS NEPA - remaining funds for BPMD	In Stream Flow Project is underway	Restoration is completed	WEEDC Restoration projects underway. DRMS identifying new locations

ITEM #4
NO
DOCUMENTS

ITEM #5

**Colorado Natural Resources Trustees Resolution of
May 20, 2025 Concerning the Bluff Lake Stormwater Management Systems
Improvement Project**

Whereas, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

Whereas, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

Whereas, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

Whereas, the Bluff Lake Nature Center has requested \$500,000 to help fund its Bluff Lake Stormwater Management Systems Improvement Project (the Project), which will help fund installation of three rain gardens and an underground pump system, and perform extensive landscaping, earth work, and erosion control, to help them manage stormwater at their 123 acre site near the Stapleton neighborhood;

Whereas, this project is one of four projects for which the Trustees received funding requests totally approximately \$11.8 million

Now Therefore, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release of \$451,033.03 from the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund, with specific allocations from between these two funds up to the total award amount to be determined by staff, to be applied towards the Project as described in the Project proposal and subject to the following conditions:

- 1) Release of the Funds is contingent upon the Bluff Lake Nature Center:
 - a. obtaining matching funds as described in the Project Proposal, which may be obtained through other state or local grant programs, or otherwise; and
 - b. complying with all laws and regulations, including but not limited to: State and Federal laws; local regulations and ordinances; permitting and zoning requirements; water rights requirements; and any necessary water quality discharge permits.

Colorado Natural Resources Trustees Resolution #2025-05-20-01

- 2) In order to use the Funds, the Bluff Lake Nature Center must enter into a contract with the State consistent with this resolution, no later than May 20, 2030. Funds will remain available through the term of the contract.
- 3) This Resolution replaces Colorado Natural Resources Trustees Resolution #2025-02-11-01.

Phil Weiser
Attorney General

Date

Jill Hunsaker Ryan
Executive Director, CDPHE

Date

Dan Gibbs
Executive Director, DNR

Date

**Colorado Natural Resources Trustees Resolution of
May 20, 2025 Concerning the Montbello Landscape Transformation Project**

Whereas, the Colorado Natural Resources Trustees (Trustees) are responsible for the management and direction of Colorado's natural resource damages program;

Whereas, the Trustees are responsible for administering State funds to restore, replace or acquire the equivalent of injured natural resources;

Whereas, approximately \$8.7 million remains from the approximately \$27.4 million settlement of Colorado's natural resource damages claim stemming from injuries to natural resources at the Rocky Mountain Arsenal, with approximately \$7.7 million held by CDPHE in the Rocky Mountain Arsenal Recovery Fund and approximately \$1 million held by DNR in the Rocky Mountain Arsenal Foundation Fund;

Whereas, the City and County of Denver has requested \$1,000,000 to help fund its Montbello Landscape Transformation Project (the Project), which will help fund restoration of approximately 17 acres of non-native turfgrass in the Montbello neighborhood to provide a native landscape typology cover;

Whereas, this project is one of four projects for which the Trustees received funding requests totally approximately \$11.8 million

Now Therefore, the Colorado Natural Resource Trustees resolve as follows:

The Trustees do hereby approve the release of \$952,500 from the Rocky Mountain Arsenal Recovery Fund and the Rocky Mountain Arsenal Foundation Fund, with specific allocations from between these two funds up to the total award amount to be determined by staff, to be applied towards the Project as described in the Project proposal and subject to the following conditions:

- 1) Release of the Funds is contingent upon the City and County of Denver:
 - a. obtaining matching funds as described in the Project Proposal, which may be obtained through other state or local grant programs, or otherwise; and
 - b. complying with all laws and regulations, including but not limited to: State and Federal laws; local regulations and ordinances; permitting and zoning requirements; water rights requirements; and any necessary water quality discharge permits.

Colorado Natural Resources Trustees Resolution #2025-02-11-02

- 2) In order to use the Funds, the City and County of Denver must enter into a contract with the State consistent with this resolution, no later than May 20, 2030. Funds will remain available through the term of the contract.
- 3) This Resolution replaces Colorado Natural Resources Trustees Resolution #2025-02-11-02.

Phil Weiser
Attorney General

Date

Jill Hunsaker Ryan
Executive Director, CDPHE

Date

Dan Gibbs
Executive Director, DNR

Date

ITEM #6-13
NO
DOCUMENTS